

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 28TH DAY OF MAY 1998

BEFORE:

THE HON'BLE MR.JUSTICE H.RANGAVITTALACHAR

H.R.R.P.NO.467/1994

S.Muniraju,
s/o late P.M.Sampathkumar,
Hindu, No.149,
II Stage, Okalipuram,
Bangalore-21.

Petitioner

(By Sri S.Shekar Shetty)

-vs-

1. K.S.Ramarao,
s/o Sagojirao,
Hindu, major,
r/at No.44,
St.John's Road,
Arcot Narayana
Choultry,
Civil Station,
Bangalore-1.

2. M/s Priyadarshini,
Karnataka Handloom
Development Corporation
No.22,
Commercial Street,
Bangalore-1.

Respondents

(By Sri S.Nanjundaswamy)

This revision petition is filed under section 50(1) of the Karnataka Rent Control Act against the order dated 26.3.94 passed in HRC No.10657/87 on the file of the Small Causes Judge, Civil Station Bangalore.

This revision petition coming on for hearing this day, the court made the following:

ORDER

Respondents herein had filed an eviction petition against the petitioner under Section 21 (1) (h) of the Karnataka Rent Control Act (for short 'the Act'). The respondents had examined PW.1 in support of their case and he has to be cross-examined by the petitioner for this purpose, The case was posted to 11.3.1994. On 11.3.94 since PW.1 was not cross-examined the trial court discharged PW.1. Subsequently respondent made I.A.I for recalling the order. On 26.3.1994 petitioner made an application seeking adjournment by two weeks on the ground that the connected RFA No.450/92 was likely to be posted in the next week. The learned Judge rejected the adjournment motion and again discharged PW.1. This order is challenged in this petition.

I feel in the interest of justice the petitioner should have been provided with an opportunity to cross-examine PW.1. No doubt the petitioner was guilty of not cross-examining PW.1

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in spite of the learned Judge allowing I.A.11 for recalling PW.2,^{But} the parties should be given an opportunity to putforth their case.

For the reasons stated above this petition is allowed. The order of the learned Judge of Small Causes passed on 26.4.94 discharging PW.1 is set aside. The matter is remanded to the file of the learned Judge to permit the petitioner to cross-examine PW.1. It is made clear that PW.1 shall be cross-examined on the next date of hearing by the petitioner without seeking any further time.

Petition allowed.

Sd/-
JUDGE

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